

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)	CHAPTER 7
)	
STEVEN M. PAIGE,)	CASE NO. 17-04778
)	
)	
DEBTOR.)	HON. JACK B. SCHMETTERER

NOTICE OF MOTION

PLEASE TAKE NOTICE that on **Tuesday, April 16, 2019, at 10:30 a.m.**, I shall appear before the Honorable Jack B. Schmetterer, Bankruptcy Judge in Courtroom 682, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois, or before any other Bankruptcy Judge who may be sitting in his place and shall present the **MOTION FOR ENTRY OF AGREED ORDER**, a copy of which is attached and served on you.

/s/ Denise A. DeLaurent
Denise A. DeLaurent, Attorney
OFFICE OF THE U.S. TRUSTEE
219 South Dearborn Street, Room 873
Chicago, Illinois 60604
(312) 886-3326

CERTIFICATE OF SERVICE

I, Denise A. DeLaurent, an attorney, state that on April 9, 2019 pursuant to Local Rule 9013-1(D) the above **NOTICE OF MOTION** and the appended **MOTION FOR ENTRY OF AGREED ORDER** were filed and served on all parties identified as Registrants on the service list below via the manner indicated.

/s/ Denise A. DeLaurent

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants

Brian Audette baudette@perkinscoie.com,
Paul M Bach paul@bachoffices.com,
Peter C Bastianen ND-Four@il.cslegal.com
Shara C Cornell scornell@mcdonaldhopkins.com,
Joel F Handler jhandler@handlerlawgroup.com
David M Siegel davidsiegelbk@gmail.com

Parties Served via First Class Mail

Steven M. Paige
6317 N. Kirkwood
Chicago, IL 60646

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MOTION FOR ENTRY OF AGREED ORDER

NOW COMES Patrick S. Layng, the United States Trustee for Region 11 (“U.S. Trustee”), by his attorney, Denise A. DeLaurent, and hereby requests the Court enter the proposed order agreed to by David M. Siegel of David M. Siegel & Associates, LLC (“Siegel”) and the U.S. Trustee. In support of this request, the U.S. Trustee states as follows:

1. The Debtor, Steven M. Paige, filed his voluntary Chapter 7 petition on February 20, 2017, through his counsel, Siegel.
2. Following the U.S. Trustee’s investigation of the case, a complaint objecting to the discharge of the Debtor, *Layng v. Paige*, Adversary No. 18-ap-000035 was filed on January 19, 2018. After extensive discovery, including the deposition of an associate attorney of Siegel, the U.S. Trustee dismissed the complaint. The U.S. Trustee and Siegel have reached an agreement, embodied in the agreed proposed order attached as *Exhibit A*.¹ The agreement is premised upon the following stipulations:

- a. Siegel represented the Debtor in the above-captioned bankruptcy proceeding;

¹ The U.S. Trustee will provide a copy of the proposed order with the parties’ original signatures at the April 16, 2019 presentment hearing.

- b. The original Schedules and Statement of Financial Affairs that Siegel filed on behalf of the Debtor in the above-captioned bankruptcy proceeding contained inaccuracies, due in part to the fact that some material information was undisclosed;
 - c. Based on his investigation, the U.S. Trustee believes that Siegel should have known that the original Schedules and Statement of Financial Affairs were not accurate when those documents were filed with the Court and that a factual basis exists for actions against Siegel under 11 U.S.C. §§ 105, 329, 526(a) and 707(b)(4); the U.S. Trustee further believes that Siegel's conduct contributed in part to an action against the Debtor under 11 U.S.C. § 727;
 - d. That Siegel disputes the U.S. Trustee's contention that Siegel should have known that the original Schedules and Statement of Financial Affairs were not accurate when those documents were filed with the Court. Further, Siegel disputes the U.S. Trustee's contention that Siegel's conduct in this case contributed in part to an action against the Debtor under 11 U.S.C. § 727; and
 - e. The U.S. Trustee and Siegel have discussed their respective positions and have agreed to the following resolution in lieu of further litigation: (1) Siegel will refund \$832.50 of the \$1,665.00 fee collected in the above-captioned case to the Debtor within ten (10) days from entry of this Agreed Order, with a contemporaneous copy of the payment to the U.S. Trustee's Office via email; and (2) Siegel will reimburse the U.S. Trustee for \$870.00 in out-of-pocket costs incurred in connection with the deposition of Jason Cotey, Esq. in connection with the matter styled *Patrick S. Layng, United States Trustee vs. Steven M. Paige*.
3. Based upon the particular facts and circumstances of this matter, the U.S. Trustee believes that the agreed proposed order is a just and fair resolution.

WHEREFORE, the U.S. Trustee respectfully requests that the Court enter the proposed agreed order, and provide any other and further relief as is just.

RESPECTFULLY SUBMITTED:
PATRICK S. LAYNG
UNITED STATES TRUSTEE

DATED: April 9, 2019

BY: /s/ Denise A. DeLaurent
Denise A. DeLaurent, Attorney
OFFICE OF THE U.S. TRUSTEE
219 South Dearborn Street, Room 873
Chicago, Illinois 60604
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